ALAN J. DIXON
Secretary of State
(Index Dept.
Rules Div.)

ILLINOIS REGISTER

Rules and Regulations of Governmental Agencies

CONTENTS

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PROPOSED RULES

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Office of the Secretary of State

NOTICE OF PROPOSED RULEMAKING

1. Agency: Office of the Secretary of State

2. Statutory Authority: Illinois Revised Statutes, Chapter 127 Paragraph 1001 et seq.

3. Summary and Purpose of Proposed Rulemaking: The Office of the Secretary of State is proposing a complete revision of the Rules on Rules to assure uniformity of submission to the Illinois Register and filing of rules. The Rules on Rules effective January 1, 1978 will be repealed.

4. Submission of Comments: Persons who wish to submit comments on these proposed rules may submit them in writing no later than April 14, 1978 to Donald D. Ed, Director of the Index Department, Office of the Secretary of State, 109 Capitol Building, Springfield, Illinois 62756.

The full text of the proposed rule is as follows:

RULES ON RULES

ARTICLE I

Applicability, Definitions and Authority

Rule 1.01 *These rules are adopted and issued pursuant to the Secretary of State's authority as specified by The Illinois Administrative Procedure Act (Illinois Revised Statutes, Chapter 127, Paragraph 1001 et seq.).*

Rule 1.02 *All agencies of the Executive, Judicial and Legislative branches of State government are subject to the rulemaking provisions of The Illinois Administrative Procedure Act, except;*

a. *the Office of the Governor;*
b. *the legislature and*
c. *the courts.*

Rule 1.03 The definition of rule is broad in scope as stated in The Illinois Administrative Procedure Act. *The definition includes all agency statements of general applicability that implement, apply, interpret, or prescribe law or policy. The only exceptions to this definition are statements which are:*

a. *statements concerning only the internal management of an agency and not affecting private rights or procedures available to persons or entities outside the agency,*
b. *informal advisory rulings issued pursuant to Section 9,*
c. *intra-agency memoranda or*
d. *the prescription of standardized forms.*

Rule 1.04 Secretary of State means the Office of the Rules and Regulations Division of the Index Department.

ARTICLE II

Publication of Illinois Register

Rule 2.01 *The Secretary of State will publish and distribute the Illinois Register each Friday. However, if Friday is an official state holiday, the Illinois Register will be published and distributed on the following working day.*

Rule 2.02 All materials submitted pursuant to the provisions of these rules to the Secretary of State for publication in the Illinois Register received by 12:00 noon on the last working day of the week will be published in the Register of the following week.

Rule 2.03 Each issue of the Illinois Register will contain a table of contents by agency in alphabetical order within the following categories:

a. Proposed Rulemaking;
b. Rules Adopted;
c. Emergency Rulemaking;
d. Federal or Court Ordered Rulemaking;
e. Joint Committee on Administrative Rules - Notices;
(Agenda)
(Statements of objection)
(Agency failure to respond)
f. Agency action on statement of objection;
(Modification or withdrawal).

Rule 2.04 The Secretary of State will prepare a cumulative agency and subject index of all Illinois Registers issued during the calendar year. Such indices will be distributed to all persons subscribing to the Illinois Register (see Article XII).

ARTICLE III

Non-Compliance With The Provisions of These Rules

Rule 3.01 The Secretary of State will review all materials submitted pursuant to the provision of these rules or The Illinois Administrative Procedure Act *to determine if those materials comply with the format and style requirements of these rules or act.*

Rule 3.02 If the Secretary of State determines that any materials were submitted in non-compliance with these rules or The Illinois Administrative Procedure Act, the materials shall be returned to the issuing agency within 5 working days along with a written explanation. Any materials returned will not be published in the Illinois Register until it is corrected and re-submitted.

ARTICLE IV

Notice of Proposed Rulemaking

Rule 4.01 *Notice of any proposed rule, amendment to a rule or repeal of a rule shall be published it its entirety in the Illinois Register at least 45 days before the Secretary of State will accept a certified copy of the rule for permanent filing.*

Rule 4.02 All notices of proposed rulemaking shall be on 8 1/2 x 11 inch paper and in quadruplicate, consisting of one original and three duplicates. Each page will be titled ILLINOIS REGISTER in all caps on a solid line one inch from the top of the page as shown in Illustration I. There will be a one inch margin on each side and only one side of the paper shall be used. The type shall be ten point. A certification in the form as shown in Illustration II shall accompany the proposed notice(s).

Rule 4.03 Each notice shall include:

a. The first page shall be a summary page(s) including the following information: (see Illustration III)

1. *the name of the agency, department, commission or board issuing the notice;*
2. *the specific statutory citation upon which the notice is based and authorized;*
3. *a brief description of all the subject matters and issues involved; and*
4. *the time, place and the manner in which all interested persons may present their views concerning the proposed action. All persons who submit a request to comment within 14 days after this notice has been published shall be given a reasonable opportunity to submit data, views, arguments or comments.*

b. The text of the proposed rulemaking shall be in the following form: (see Illustration IV)

1. *if the proposal is a new rule, the full text of the new rule; or*
2. *if the proposal is an amendment to a rule, the full text of the existing rule with proposed changes indicated.* Language being deleted shall be indicated by lining through the text and new language shall be indicated by underlining; or
3. *If the proposal is a repealer, the full text of the rule to be repealed.*

Rule 4.04 When an agency elects to modify or withdraw a rule to meet the objections of the Joint Committee on Administrative Rules, *notice shall be published in the Register* (see Illustration XV). A proposed rule which has been objected to by the Joint Committee will not be filed as a rule unless at the time of filing with the Secretary of State the rule is accompanied by this statement of modification or a copy of the agency's response to the Joint Committee refusing to modify or withdraw the rule.

ARTICLE V

Emergency Rules

Rule 5.01 *If an agency finds that an emergency exists which requires the adoption of a rule upon fewer than 45 days, the agency shall be exempt from the notice of proposed rulemaking of Article IV.*

Rule 5.02 Such emergency rules shall be filed with the Secretary of State as provided by Rule 8.02 and 8.03. *However, along with any filing of an emergency rule the issuing agency shall state in writing its reasons for finding an emergency.* A certification in the form shown in Illustration V shall accompany the emergency rule(s).

Rule 5.03 *Accompanying each emergency rule shall be a notice* to be published in the Illinois Register which shall include:

a. The first page shall be a summary page(s) including the following information: (see Illustration VI)

   1. the name of the agency, department, commission or board issuing the notice;
   2. the specific statutory citation upon which the notice is based and authorized;
   3. the effective date of the rule;
   4. reason for emergency.

b. The text of the emergency rulemaking: (see Illustration VII)

Rule 5.04 All notices filed under this Article shall be on 8 1/2 x 11 inch paper and in quadruplicate, consisting of one original and three duplicates. Each page will be titled ILLINOIS REGISTER in all caps on a solid line one inch from the top of the page as shown in Illustration I. There will be a one inch margin on each side and only one side of the page shall be used. The type shall be ten point.

Rule 5.05 An emergency rule shall be numbered as if it were going to be adopted as a permanent rule. However, directly under the rule number the word EMERGENCY shall be typewritten in all caps. This will allow persons to relate the emergency rule to the issuing agency's permanent set of rules.

Rule 5.06 *An emergency rule shall be effective for a period not to exceed 150 days.* If the issuing agency does not send a written certification to the Secretary of State requesting repeal of such rule within this time period, the rule shall automatically be repealed after 150 days.

Rule 5.07 If an agency wishes to adopt an emergency rule as a permanent rule, it must prescribe the rule pursuant to the provisions of Articles IV and VIII of these rules.

Rule 5.08 If an issuing agency adopts a rule to replace an emergency rule, the agency shall send a written certification repealing the emergency rule at the same time it files the permanent rule as required by Article VIII. The written certification should repeal the emergency rule the same day the permanent rule becomes effective.

ARTICLE VI

Rules Required by Federal Rules or Laws, or Court Order

Rule 6.01 *If an agency is required by federal law, federal rules and regulations or by an order of a court to adopt a rule under conditions which preclude it from complying with Article IV, the agency shall submit a copy of the rule according to Rule 8.02 and 8.03.* A certification in the form shown in Illustration VIII shall accompany the rule.

However, if an agency, which is required by federal law, federal rules and regulations or by an order of a court, to adopt a rule, can comply with the provisions of Article IV, it shall do so.

Rule 6.02 Accompanying each rule filed pursuant to this Article shall be a notice to be published in the Illinois Register which shall include:

a. The first page shall be a summary page(s) including the following information: (see Illustration IX)

1. the name of the agency, department, commission or board issuing the notice;
2. a statement that the rule is filed in compliance with Section 5(e) of The Illinois Administrative Procedure Act.

b. A rulemaking page(s) which shall have the complete text of the rule as shown in Illustration X.

Rule 6.03 All notices filed under this Article shall be on 8 1/2 x 11 inch paper and in quadruplicate, consisting of one original and three duplicates. Each page will be titled ILLINOIS REGISTER in all caps on a solid line one inch from the top of the page as shown in Illustration I. There will be a one inch margin on each side and only one side of the paper shall be used. The type shall be ten point.

Rule 6.04 A rule adopted under the provisions of this Article shall be numbered as if it were adopted pursuant to Articles IV and VIII. However, directly under the rule number the word FEDERAL or COURT, as the case may be, shall be typewritten in all caps. This will allow persons reviewing an agency's set of rules to see which specific rules were exempt from the 45 day notice of proposed rulemaking.

ARTICLE VII

Rules Required to be Filed by Illinois Administrative Procedure Act Section 4.01

Rule 7.01 Each agency shall adopt and maintain as a rule the following:

a. *a current description of the agency's organization with charts depicting same;*
b. *the current procedures on how the public can obtain information or make submissions or requests on subjects, programs, and activities of the agency;*
c. *tables of contents, indices, reference tables, and other materials to aid users in finding and using the agency's collection of rules currently in force; and*

d. *a current description of the agency's rule-making procedures with necessary flow charts depicting same.*

Rule 7.02 Rules filed pursuant to this Article shall be on 8 1/2 x 11 inch paper and in triplicate, consisting of one original and two duplicates. There shall be a one inch margin at the top and both sides of the page. Only one side of the page shall be used. The type shall be ten point.

Rule 7.03 Rules filed pursuant to this Article become effective upon filing with the Secretary of State and may be adopted, amended or repealed without going through 45 day notice of proposed rulemaking.

Rule 7.04 A rule adopted under the provisions of this Article shall be numbered as if it were adopted pursuant to Articles IV and VIII. However, directly under the rule number the word INTERNAL shall be typewritten in all caps. This will allow persons reviewing an agency's set of rules to see which specific rules are exempt from the 45 day notice of proposed rulemaking.

ARTICLE VIII

Filing of Rules, Amendments and Repealers and Notice of Rulemaking

Rule 8.01 *After the expiration of the 45 day notice of proposed rulemaking any rule, amendment or repealer which an agency adopts shall be filed and certified with the Secretary of State.* The certification shall be in the form as in Illustration XI.

Rule 8.02 All rules, amendments or repealers shall be typewritten on plain 8 1/2 x 11 inch, three-hole punched loose-leaf paper, suitable for being placed in a standard loose-leaf binder for paper that size. Rules shall be filed in triplicate, consisting of one original and two duplicates. There shall be a one inch margin at the top and each side of the page and only one side of the paper shall be used. The type shall be ten point.

Forms which are filed as a rule need only to comply with the 8 1/2 x 11 inch page size requirement of this rule.

Rule 8.03 If a rule, amendment or repealer makes any change on any page or pages of an agency's set of rules previously on file with the Secretary of State, the agency shall file a suitable replacement page or pages with the necessary changes.

Rule 8.04 *Accompanying each filing of a rule, amendment to a rule or repeal of a rule shall be a notice of rulemaking.* All notices shall be on 8 1/2 x 11 inch paper and in triplicate consisting of one original and two duplicates. Each page shall be titled ILLINOIS REGISTER in all caps on a solid line one inch from the top of the page as shown in Illustration I. There will be a one inch margin on each side and only one side of the paper shall be used. The type shall be ten point.

Rule 8.05 Each notice shall include:

a. The first page shall be a summary page(s) including the following information: (see Illustration XII)

1. the name of the agency, department, commission or board issuing the notice;
2. the specific statutory citation upon which the notice is based and authorized;
3. the effective date of the adopted rule, amendment or repealer;
4. the date the notice of proposed rulemaking was published in the Illinois Register;
5. a statement of the changes made between the proposal and the finally adopted version.

b. The text of the rulemaking shall be in the following form: (see Illustration XIII)

1. *if the material is a new rule, the full text of the new rule;*
2. *if the material is an amendment to a rule or rules, the full text of the rule or rules as amended; and*
3. *if the material is a repealer, the full text of the material to be repealed.*

Rule 8.06 If a notice of rulemaking is a combination of a new rule, an amendment or a repealer, the notice shall use the appropriate combination under Rule 8.05b.

ARTICLE IX

General Provisions Concerning Rules

Rule 9.01 There shall be a suitable table of contents for each set of rules on file with the Secretary of State.

Rule 9.02 Each agency shall provide for each section of its rules an appropriate title and section number. If the rules are gouped according to Article, and the individual rules are relatively short, an appropriate title for each article is adequate and a separate title need not be given to each rule.

Rule 9.03 Each page of a set of rules shall be numbered consecutively at the bottom in the center of the page.

Rule 9.04 Rules shall not unnecessarily repeat statutory language. Whenever it is necessary to repeat or paraphrase statutory language in a rule, it shall be typewritten in italic or distinguishing type.

Rule 9.05 An agency may include with its rules as footnotes, the citation and brief digests of court cases and Attorney General's opinions. Such footnotes shall be numbered in sequence and the text of such footnotes shall be at the bottom of the same page where the footnotes appeared in the text of the rule.

Rule 9.06 It shall be stated immediately following the last sentence of each rule in parentheses when the rule was originally adopted and when the rule was last amended.

Rule 9.07 The text of all materials submitted for publication in the Illinois Register and for filing with the Secretary of State shall be in regular, Roman, or Gothic type face, except as provided by Rule 9.04 of this Article.

Rule 9.08 Any table, illustration or example included within the text of a rule must be labeled and clearly identified as such. All tables, illustrations and examples shall be numbered in sequence so they can easily be referenced.

Rule 9.09 The statutory authority upon which an agency issues a set of rules shall be cited in the text of the rules. This citation should be located at the beginning of the rules.

ARTICLE X

Compilations and Indexing of Rules

Rule 10.01 *The agency shall compile, index and publish all its rules adopted under the provisions of The Illinois Administrative Procedure Act. Compilations shall be supplemented or revised and certified as current to the Secretary of State at least once every 2 years* (see Illustration XIV).

Rule 10.02 Such compilations shall be typewritten on plain 8 1/2 x 11 inch, three-hole punched loose-leaf paper, suitable for being placed in a standard loose-leaf binder for paper that size. Compilations shall be submitted in duplicate consisting of one original and a copy. There shall be a one inch margin at the top and each side of the page and only one side of the page shall be used. The type shall be ten point.

Rule 10.03 The General Provisions concerning rules as prescribed in Article IX shall be used by each agency when preparing their compilation. If such provisions are not used, the compilation will not be accepted for filing.

ARTICLE XI

Public Inspection and Copying

Rule 11.01 *Each agency shall file in the office of the Secretary of State and in the agency's principal office a certified copy of each rule and modification or repeal of any rule adopted by it. The Secretary of State and the agency shall each keep a permanent register of the rules open to public inspection.*

Rule 11.02 The Secretary of State or an agency shall provide a copy of any rule to the public upon request in writing or in person. The public will be charged statutory or other reasonable fees for photo copies of rules.

ARTICLE XII

Subscriptions to Illinois Register

Rule 12.01 All agencies required to file under The Illinois Administrative Procedure Act will receive one issue of the Illinois Register per week exempt from fee.

Rule 12.02 All persons not covered by Rule 12.01 wishing to receive an issue of the Illinois Register each week shall pay the annual subscription rate set by the Secretary of State.

ILLUSTRATION I

ILLINOIS REGISTER

(Agency Name)

Solid Line Shall Be
One Inch From Top
Of Page & One Inch
Margin From each Side

ILLUSTRATION II

CERTIFICATION OF PROPOSED RULES

The _____
(Name of Agency, Board, Commission or Department)

certifies that the attached hereto is a true and correct copy

of: (Proposed Rules, Chapter and Article, Page or Pages) _____

_____

_____

_____

which was duly proposed on the _____ day

of _____, 19 _____

Statutory Authority: Illinois Revised Statutes

_____ _____
(Chapter) (Paragraph)

Dated this _____ day of _____, 19 _____

_____
(Signature of Officer)

_____
(Title of Officer)

ILLUSTRATION III

ILLINOIS REGISTER

(Agency Name)

NOTICE OF PROPOSED RULEMAKING

1. Agency:

2. Statutory Authority:

3. Summary and Purpose of Proposed Rulemaking:

4. Submission of Comments:

The full text of the proposed rule is as follows:

ILLUSTRATION IV

ILLINOIS REGISTER

(Agency Name)

TEXT OF PROPOSED RULE *

* If the proposal is an amendment this title should read:

TEXT OF PROPOSED AMENDMENT;

or if the proposal is a repealer this title should read:

TEXT OF PROPOSED REPEALER.

If a notice of proposed rulemaking is a combination of a new rule, an amendment or a repealer, the title should use the appropriate combination.

(Each page having text of the proposal shall be titled as indicated in this Illustration.)

ILLUSTRATION V

CERTIFICATION OF EMERGENCY RULES

The _____
(Name of Agency, Board, Commission, or Department)

certifies that the attached hereto is a true and correct copy

of: (Rules, Chapter and Article, Page or Pages) _____

_____

_____

_____

which was duly adopted on the _____ day

of _____, 19 _____

of which this Agency has determined that the adoption of this Rule

is immediately necessary because:

_____

_____

_____

Statutory Authority: Illinois Revised Statutes

_____ _____
(Chapter) (Paragraph)

Dated this _____ day of _____, 19 _____

_____
(Signature of Officer

_____
(Title of Officer)

ILLUSTRATION VI

ILLINOIS REGISTER

(Agency Name)

NOTICE OF EMERGENCY RULEMAKING

Emergency Rules Become Effective Upon Filing with the Secretary of State and Remain Effective for a Period Not to Exceed 150 Days.

Agency:

Statutory Authorization:

Effective Date of Rule:

Reason for Emergency:

The full text of Emergency Rule(s) is as follows:

ILLUSTRATION VII

ILLINOIS REGISTER

(Agency Name)

TEXT OF EMERGENCY RULE

(Each page having text of the emergency rule shall be titled as indicated in this Illustration)

ILLUSTRATION VIII

CERTIFICATION OF FEDERAL OR COURT ORDERED RULES

The _____
(Name of Agency, Board, Commission, or Department)

certifies that the attached hereto is a true and correct copy

of: (Rules, Chapter and Article, Page or Pages) _____

_____

_____

_____

which was duly adopted on the _____

day of _____, 19 _____

of which this agency has determined that the adoption of this Rule

does not require a notice of proposed rulemaking because:

_____

_____

_____

Statutory Authority: Illinois Revised Statutes

_____ _____
(Chapter) (Paragraph)

Dated this _____ day of _____, 19 _____

_____
(Signature of Officer)

_____
(Title of Officer)

ILLUSTRATION IX

ILLINOIS REGISTER

(Agency Name)

NOTICE OF FEDERAL OR COURT ORDERED RULEMAKING

Rule Became Effective Upon Filing with Secretary of State

Agency:

This rule is filed in compliance with Section 5(e) of the Illinois Administrative Procedure Act.

The full text of Federal or Court Ordered Rule(s) is as follows:

ILLUSTRATION X

ILLINOIS REGISTER

(Agency Name)

TEXT OF FEDERAL ORDERED RULE *

*If the rule is a court ordered rule this title should read:

TEXT OF COURT ORDERED RULE.

(Each page having text of the federal or court ordered rule shall be titled as indicated in this Illustration.)

ILLUSTRATION XI

CERTIFICATION OF RULES

The _____
(Name of Agency, Board, Commission, or Department)

certifies that the attached hereto is a true and correct copy

of: (Rules, Chapter and Article, Page or Pages) _____

_____

_____

_____

which was duly (adopted, amended, or repealed) on the _____

day of _____, 19_____

Statutory Authority: Illinois Revised Statutes

_____ _____
(Chapter) (Paragraph)

Dated this _____ day of _____, 19 _____

_____
(Signature of Officer)

_____
(Title of Officer)

ILLUSTRATION XII

ILLINOIS REGISTER

(Agency Name)

NOTICE OF RULES ADOPTED

Agency:

Statutory Authority:

Effective Date of Rule:

Date Notice of Proposal Published in Register:

Difference between proposal and final version:

Summary and Purpose of Rule:

The full text of Adopted Rule(s) is as follows:

ILLUSTRATION XIII

ILLINOIS REGISTER

(Agency Name)

TEXT OF ADOPTED RULE

(Each page having the text of the rule in its final version shall be titled as indicated in this Illustration.)

ILLUSTRATION XIV

CERTIFICATION OF COMPILATION OF RULES

The _____
(Name of Agency, Board, Commission or Department)

certifies that the attached compilation contains a true and correct copy of all rules adopted and on file with the Secretary of State on the _____ day of _____, 19 _____

Statutory Authority: Illinois Revised Statutes

_____ _____
(Chapter) (Paragraph)

_____
(Signature of Officer)

_____
(Title of Officer)

ILLUSTRATION XV

ILLINOIS REGISTER

(Agency Name)

NOTICE OF (MODIFICATION OR WITHDRAWAL)* OF PROPOSED RULEMAKING TO MEET THE JOINT COMMITTEE ON ADMINISTRATIVE RULES' OBJECTIONS

Agency: (cite original proposal)

Date Notice of Proposal Published in Register:

Date Joint Committee on Administrative Rules' Statement of Objections Published in Register:

Summary of Action Taken by the Agency:

*use appropriate word (Modification or Withdrawal)

Text of Proposed Repealer

ARTICLE I

Definitions as used in this Act

Rule 1.01 The following statutory terms are used as hereinafter defined unless said contents requires a different meaning:

The term "Act" means the Illinois Administrative Procedure Act, which was approved September 22, 1975, as amended.

The term "Agency" is defined as in the Illinois Administrative Procedure Act, as follows:

> "Agency" means each State Board, commission, department, or officer, other than the Governor, Legislature, or the courts, authorized by law to make rules or to determine contested cases.

The term "Rule" is defined as in the Illinois Administrative Procedure Act, as follows:

> "Rule" means each agency statement of general applicability that implements, applies, interprets, or prescribes law or policy, but does not include (a) statements concerning only the internal management of an agency and not affecting private rights or procedures available to persons or entities outside the Agency. (b) informal advisory rulings issued pursuant to Section 9, (c) intra-agency memoranda or (d) the prescription of standardized forms.

ARTICLE II

Certification of Rules

Rule 2.01 Any rule on file with the Secretary of State on January 1, 1978 shall be void 60 days after that date, unless, within such 60 day period the issuing agency certifies to the Secretary of State that the rule is currently in effect.

Rule 2.02 Certifications will be in the form as indicated in Illustration II for filing and Illustration III for emergency filing.

Text of Proposed Repealer

Rule 2.03 Certifications filed will be typewritten on three hole punched loose-leaf paper having the dimensions of eight and one half inches by eleven inches, suitable for being placed in a standard loose-leaf binder for paper that size.

ARTICLE III

Filing of Proposed Rules

Rule 3.01 Agencies must give at least 45 days notice of their intended action on rules. The Illinois Register is published weekly. This contains notification by the agency of its intended action on rules. The agency must submit its proposed rules for publication in the Illinois Register no later than 12:00 noon on the last working day of each week. The 45 day minimum required notice shall begin on the day of publication of the agency's Rules.

Rule 3.02 All agencies shall submit the proposed rules for the publication in the Illinois Register on 8½ x 11 paper and in quadruplicate consisting of one original and three duplicates. Also, all pages as indicated in Illustration I, attached, will be titled ILLINOIS REGISTER on a solid line in all caps one inch from the from the top of the page and have a one inch margin on each side.

Rule 3.03 The proposed rules will be in the following format:

A. Name of Agency, Department, Commission or Board.

B. Proposed action on rule.

C. Statutory citation upon which rule is authorized.

D. Description of all subject matter and issues involved.

E. Complete text of rules involved.

F. Time, place and manner in which all interested persons may present their views concerning the proposed action.

Text of Proposed Repealer

Rule 3.04 If any agency finds that an emergency exists and requires adoption of a rule upon fewer than 45 days notice, the agency must state in writing its reason. Then, an emergency rule may be filed and become effective immediately. This rule may be effective for a period no longer than 150 days from the date of filing.

Rule 3.05 An agency shall file an emergency rule pursuant to Rules 4.01 through 4.04.

ARTICLE IV

Filing of Adopted Rules

Rule 4.01 After the expiration of the 45 day notice, all agencies will file their rules in the following manner:

> A certified copy of every rule adopted by an Agency shall be filed with the Rules and Regulations Section in triplicate, (one original and two copies) and no such rule shall become effective less than ten days after the original thereof has been so filed, except that, in case of an emergency a rule may become effective immediately upon such filing if accompanied by a certificate stating the specific reason.

Rule 4.02 Rules shall be in codified form and shall be arranged according to the particular Acts administered by the agency to which such rules are applicable.

Rule 4.03 Rules shall be typewritten or printed on three-hole punched loose-leaf paper having dimensions of eight and one half inches by eleven inches, suitable for being placed in a standard loose-leaf binder for paper that size. Only one side of the paper shall be used. Forms which are filed need not comply with the specification of this Rule, but shall be attached to the rules in such a manner that they can be placed in the same binder.

Text of Proposed Repealer

Rule 4.04 Each set of rules filed shall be accompanied by a suitable table of contents as prescribed by law. Each page shall be numbered at the bottom.

Rule 4.05 If the rule makes any change on any page or pages of the rules previously on file with the Rules and Regulations Section, the agency shall propose and file a suitable replacement page or pages.

Rule 4.06 Also, at the same time the agency will again submit the filed rules for publication in the Illinois Register on 8½ x 11 paper and in triplicate consisting of one original and two duplicates. Also all paper as indicated in Illustration I, attached, will be titled ILLINOIS REGISTER on a solid line in all caps one inch from the top of the page. And have a one inch margin on each side.

Rule 4.07 The material published in the Illinois Register shall contain the following:

A. If the material is a new rule the full text of the new rule.

B. If the material is an amendment to a rule or rules, the full text of the rule or rules as amended.

C. If the material is a repealer, the full text of the material to be repealed.

(NO PUBLIC HEARING WILL BE HELD ON FINAL FILED RULE PUBLISHED IN THE ILLINOIS REGISTER.)

Text of Proposed Repealer

ARTICLE V

General Provisions Concerning Rules

Rule 5.01 Each agency shall provide for each section of its rules an appropriate title and section number. If the rules are grouped according to Article and the individual rules are relatively short, an appropriate title for each article is sufficient and a separate title need not be given to each rule.

Rule 5.02 Rules shall not unnecessarily repeat statutory language. Whenever it is necessary to refer to statutory language, the reference shall clearly indicate the portion of the language which is statutory and the portion which is the agency's amplification of the language.

Rule 5.03 An agency may include with its rules, brief notes, illustrations, findings of facts, digests of court cases or Attorney General's opinions, or other explanatory matter, if such matter is labeled or set forth in a manner which clearly distinguishes it from the rules.

Except as provided pursuant to this "Rule", material which is not a "Rule" within the statutory definition will not be accepted for filing.

ARTICLE VI

Material not qualifying as Rules

Rule 6.01 Many agencies have heretofore ignored the statutory definition of "Rule" and have filed material which does not qualify as a rule, either because it is not of general application or because it comes within one of the specific exclusions. Such material will not be accepted for filing.

Rule 6.02 The Secretary of State recognizes that there may be instances where there is considerable question as to whether a particular regulation is within or without the statutory definition of a rule, and that, in such instances the agency will probably want to file

Text of Proposed Repealer

Rule 6.02 (Continued)

the regulation in order to be certain that it will be effective. Therefore, in doubtful cases where the question of whether or not a regulation comes within the statutory definition of a "Rule" is fairly debatable, the Secretary of State will accept the regulations for filing. The Secretary of State will, however, refuse to accept for filing any material which is clearly not in compliance with the statutory definition.

NOTICE:

The Illinois Register is published weekly. Information or subscription rates and mailing of the Illinois Register can be obtained at the Secretary of State, Rules and Regulations, 490 Centennial Building, Springfield, Illinois, 62756.
Phone: (217) 782-9786
(217) 782-8570

Text of Proposed Repealer

ILLUSTRATION I

Solid Line Shall Be
One Inch From Top
Of Page & One Inch
Margin From Each Side

ILLINOIS REGISTER

Text of Proposed Repealer

ILLUSTRATION II

CERTIFICATION OF RULES

The _____
(Name of Agency, Board, Commission or Department)

certifies that the attached hereto is a true and correct copy of: Rules and Regulations, Chapter and Article, Page or Pages _____

_____

_____

which was duly _____ on the
(Adopted, Amended or Repealed)

_____ day of _____, 19____

Statutory Authority: Illinois Revised Statutes

_____ _____
(Chapter) (Paragraph)

Dated this _____ day of _____, 19____

_____
(Signature of Officer)

_____
(Title of Officer)

Text of Proposed Repealer

ILLUSTRATION III

CERTIFICATION OF RULES

EMERGENCY ADOPTION

The _____
(Name of Agency, Board, Commission or Department)

certifies that the attached hereto is a true and correct copy of: Rules and Regulations, Chapter and Article, Page or Pages _____

_____

_____

which was duly _____ on the
(Adopted, Amended or Repealed)

_____ day of _____, 19____

Statutory Authority: Illinois Revised Statutes

_____ _____
(Chapter) (Paragraph)

Dated this _____ day of _____, 19____

_____
(Signature of Officer)

_____
(Title of Officer)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
NOTICE OF PROPOSED RULEMAKING

Agency: Joint Committee on Administrative Rules

Statutory Authority: Chapter 127, Paragraph 132.5 (Section 5 of the Illinois Purchasing Act)

Summary and Purpose of Proposed Rulemaking:

These rules are to meet the requirements of the Purchasing Act which require the adoption of purchasing rules by each state agency. These proposed rules adopt by reference the purchasing rules of the Department of Administrative Services.

Submission of Comments:

If any interested person wishes to present their views concerning these rules, they may do so by sending written comments to:

Joint Committee on Administrative Rules
612 South Second Street, Lower Level
Springfield, Illinois 62706

All written comments should be received within 30 days of the publication of this notice. Any person submitting a written notice of his intent to comment within 14 days of the publication of this notice will be given a reasonable opportunity to make such comments.

PURCHASING AND CONTRACTS

Rule 1.1 In the following instances goods and services will be procured after investigation as to the most economical source, considering convenience and necessity for early delivery or completion but without advertisement for bids and without asking for competitive bids:

(a) for personal services payable from an appropriation for personal services; and

(b) for services requiring professional, or artistic skills.

Rule 1.2 Contracts for the purchase of commodities or equipment will be made through the purchasing facilities of the Department of Administrative Services in accordance with the rules and regulations of that Department governing such purchases.

Rule 1.3 All office supplies furnished for the use of the office of the Joint Committee on Administrative Rules shall be purchased in accordance with the rules and regulations of the Department of Administrative Services.

Rule 1.4 Purchases of printing paper, stationery, envelopes and printing shall be made in accordance with the rules and regulations of the Department of Administrative Services.

Rule 1.5 Plans, specifications and bid documents for repairs maintenance, remodeling, renovation or construction of buildings may be procured from the Capital Development Board. Prospective bidders for such projects may be selected from the prequalification list, maintained by the Capital Development Board. All advertising or other solicitation for bids and the letting of the resulting contract to the lowest bidder shall be by the Executive Director and in the name of the Joint Committee on Administrative Rules.

CUMULATIVE INDEX issue - page

PROPOSED RULES

(continued)

CUMULATIVE INDEX issue - page

PROPOSED RULES - Continued

(continued)

CUMULATIVE INDEX issue - page

PROPOSED RULES - Continued

(continued)

PROPOSED RULES - Continued CUMULATIVE INDEX

ADOPTED RULES

EMERGENCY RULES

CUMULATIVE INDEX issue - page

EMERGENCY RULES - Continued

(continued)

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FEDERAL OR COURT ORDERED RULES

JOINT COMMITTEE ON ADMINISTRATIVE RULES - STATEMENT OF OBJECTIONS

ALAN J. DIXON
Secretary of State

NOTICE TO ILLINOIS REGISTER SUBSCRIBERS

EFFECTIVE JANUARY 1, 1978 THE ILLINOIS REGISTER WILL COMMENCE AN ANNUAL SUBSCRIPTION FEE OF $52.00 PER YEAR. THIS IS TO COVER THE EVER GROWING PUBLICATION COSTS AND MAILING.

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